

ALEX G. TSE (CABN 152348)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO: CR 4:18-0056
)	
Plaintiff,)	STIPULATION TO CONTINUE HEARING AND
)	EXCLUDE TIME, AND [PROPOSED] ORDER
v.)	
)	
SERGIO STEVEN VASQUEZ-GONZALEZ;)	
SERGIO RUBALCABA; ARTURO)	
VAZQUEZ, JR.,)	
)	
Defendants.)	

The parties are presently set to appear before this court for a status conference on Friday, October 26, 2018, at 9:30am. As explained below, the parties stipulate and agree that this status conference should be continued. Numerous reasons support a continuance. First, counsel for defendant Vasquez-Gonzalez has been in trial before the Honorable Judge White since October 10, 2018, in *United States v. David Telles*, No. CR 16-0424 JSW. The obligations of trial and the necessary preparations have limited counsel's opportunity to review discovery, consult with his client, and consider possible resolutions to this matter. Second, counsel for defendant Rubalcaba is similarly likely to begin trial before Judge Chhabria within the next two weeks (the specific date has not yet been yet) in *United States v. Kermit Tanner*, No. CR 17-0347 VC. In addition, counsel for defendant Rubalcaba is currently investigating issues relevant to his client's competency and the appropriate guidelines calculation for

STIPULATION TO CONTINUE HEARING AND EXCLUDE TIME, AND ~~[PROPOSED]~~ ORDER
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1 any potential resolution, which may be affected by the outcome of that investigation. Those
2 investigations are ongoing. Third, counsel for defendant Vazquez has been in discussions with
3 government counsel regarding the terms of a potential resolution, but the parties have not yet reached an
4 agreement to present to the court. The parties require additional time to continue negotiations.

5 For the reasons discussed above, the parties propose that the matter be continued 56 days to
6 Friday, December 21, 2018, at 9:30am. The parties further stipulate to exclude time for purposes of the
7 Speedy Trial Act between October 26, 2018, and December 21, 2018. The parties agree that an
8 exclusion of time is appropriate under the Speedy Trial Act for continuity of counsel and for the
9 effective preparation of counsel. The parties also agree that the ends of justice served by granting such a
10 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.
11 § 3161(h)(7)(A).

12 IT IS SO STIPULATED.

13 DATED: October 19, 2018

/s/

ANDREW F. DAWSON
Assistant United States Attorney

15 DATED: October 19, 2018

/s/

MICHAEL STEPANIAN
Attorney for Defendant Vasquez-Gonzalez

18 DATED: October 19, 2018

/s/

BRENDAN HICKEY
Attorney for Defendant Rubalcaba

20 DATED: October 19, 2018

/s/

JULIANA DROUS
Attorney for Defendant Vazquez

1 ~~PROPOSED~~ ORDER

2 Pursuant to the parties' stipulation, the Court orders that the hearing currently set for October 26,
3 2018 be continued to 9:30am on December 21, 2018. The Court further finds that the exclusion of time
4 from October 26, 2018 through and including December 21, 2018 is warranted and that the ends of
5 justice served by the continuance outweigh the best interests of the public and the defendant in a speedy
6 trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant the requested continuance would deny the
7 defendant effective preparation of counsel, would interrupt the continuity of counsel, and would result in
8 a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

9 IT IS SO ORDERED.

10
11 DATED: October 22, 2018 _



HON. JON S. TIGAR
UNITED STATES DISTRICT JUDGE